

Am



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,316	05/02/2001	Richard Hyatt	PAT 240-2	4708
26123	7590	02/01/2005	EXAMINER	
BORDEN LADNER GERVAIS LLP WORLD EXCHANGE PLAZA 100 QUEEN STREET SUITE 1100 OTTAWA, ON K1P 1J9 CANADA			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/846,316

Applicant(s)

HYATT ET AL.

Examiner

Thong H Vu

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Claims 1-14 and new claims 15-18 are pending.

Response to Arguments

2. Applicant's arguments filed 11/15/04 have been fully considered but they are not persuasive to overcome the prior art.

- a. Applicant argues the prior art does not teach or suggest the analysis tool for the remote users (i.e.: Internet users).

Examiner points out the prior art taught the remote administrator tools built into a Internet server [Court col 5 lines 37-55; col 6 lines 20-30]

- b. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Court teaches a remote administration tools for Internet server, Kraft teaches a user specified data analysis tool to the search result [Kraft, abstract]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Court-Kraft teachings in order to utilize the search over Internet. Doing so would provide an analysis tool to help search result for the Internet users.

c. Applicant argues the Prior art does not teach or suggest “the analysis tools are highly specialized software programs with associated equipment that are not owned or locally run by the user”; “generally require more numerous data inputs and complex processing”

Examiner points “the analysis tools are highly specialized software programs with associated equipment that are not owned or locally run by the user”; “generally require more numerous data inputs and complex processing” were not disclosed in claim language.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 are rejected under 35 U.S.C. § 103 as being unpatentable over Court et al [Court 6,085,220] in view of Kraft et al [Kraft 6,691,104 B1].

4. As per claim 8, Court discloses a system for providing data analysis tools (i.e.: software application) in a distributed environment, comprising

a web server for receiving a service request, including input data, from a client [Court, a server provides a web page to the user, col 3 lines 34-60; col 5 lines 14-55];

a manager for creating a job including the input data and a job identifier [Court, engine manager 120, session manager 134, Fig 2A-B, col 6 lines 20-50; session ID, col 8 lines 42-65];

a dispatcher for dispatching the job to an agent for delivery to a service provider hosting a requested (analysis) tool for processing the input data [Court, page promotion tools, col 3 lines 34-60; marketing research tool, col 4 lines 51-60; monitoring and administration tool, col 5 lines 37-55; security agent, col 7 lines 1-5; col 6 lines 20-30]; and

an integrator (i.e.: integration layer) for receiving a result from the service provider [Court, integration layer 18, col 3 lines 34-60; Fig 1], the result including output data representing the input data processed in accordance with the requested analysis tool [Court, page promotion tools, col 3 lines 34-60; marketing research tool, col 4 lines 51-60; monitoring and administration tool, col 5 lines 37-55].

However Court does not explicitly teach the software tool as an analysis tool. A skilled artisan would have motivation to implement the web application tools and found Kraft teaching. Kraft discloses a system and method for personalizing and applying a post processing tool system wherein a user-specified data analysis tool to the search result [Kraft, abstract]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the analysis tool as taught by Kraft into the Court's apparatus in order to utilize the XML application over Internet. Doing so

Art Unit: 2142

would provide the Web user a dynamic and efficient process to integrated the search result with a wide variety of service application.

5. Claim 1 contains the similar limitations set forth of apparatus claim 8. Therefore, claim 1 is rejected for the similar rationale set forth in claim 8.

6. As per claims 9,2 Court-Kraft disclose at least one web server for connecting to the client over the Internet [Court, Internet server, col 3 lines 17-33;col 6 lines 20-30].

7. As per claim 10, Court-Kraft disclose the manager includes a database for storing the job information [Court, database, col 3 lines 1-17].

8. As per claim 11,6 Court-Kraft disclose the dispatcher includes load balancing means for balancing loads between service providers [Court, load balancing, col 5 lines 14-26].

9. As per claim 12, Court-Kraft disclose the manager includes markup means [Court, HTML, col 3 lines 34-60].

10. As per claims 13,4, Court-Kraft disclose the markup means includes extensible mark up language (XML) [Court, XML, col 4 lines 1-16].

Art Unit: 2142

11. As per claim 14, Court-Kraft disclose the integrator includes means to reassemble the job to retrieve the output data [Court, integration layer 18, col 3 lines 34-60; Fig 1].

12. As per claim 3, Court-Kraft disclose the step of dispatching the job includes formatting the input data into packets for transmission [Kraft, formatting the result page, col 8 lines 52-57].

13. As per claim 5, Court-Kraft disclose the step of creating the job includes storing job information in a database [Court, database, col 3 lines 1-17].

14. As per claim 7, Court-Kraft disclose the step of receiving the result includes integrating received packets containing the results to recover the output data [Court, integration layer 18, col 3 lines 34-60; Fig 1].

15. As per claims 15,17 Court-Kraft disclose the data analysis tool includes proprietary data analysis application programs [Court, proprietary standards, col 4 lines 17-33].

16. As per claim 16,18 Court-Kraft disclose the data analysis tool includes processing equipment [Kraft, a processing tool system, abstract].

Art Unit: 2142

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (571) 272-3896. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Patent Examiner
Art Unit 2142


JACK HARVEY
SUPERVISOR, PATENT EXAMINER